



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/578,810 05/24/00 MADDOX

A 2171-000149

EXAMINER

IM52/0905

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DAVIS, R

ART UNIT

PAPER NUMBER

1722

DATE MAILED:

09/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/578,810

Applicant(s)

MADDOX ET AL.

Examiner

Robert B. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 and 15-20 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-14 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group II, claims 8-14, in Paper No. 4 is acknowledged. The traversal is on the ground(s) that the apparatus cannot form a different product, the product cannot be made by a different process and the process cannot be performed by another apparatus. This is not found persuasive because of the following reasons:

In regards to the restriction requirement between Group I and Group II, the product of claim 1 can be formed by the apparatus of Dundas et al (5,037,684) wherein the adjacent indentations are formed by sealing means coming from opposite portions of the mold cavity. Claim 1 uses comprising language and only claim 3 requires the indentations to be on the same side of the collapsed passage. It is also clear that two sealing tools located on the same side of the mold cavity would result in the article as claimed in claim 1. The examiner is not required to provide documentation as to such an example.

In regards to the restriction requirement between Group II and Group III, the process of claim 15 can be practiced by the apparatus as shown in Dundas et al (5,037,684) as the apparatus of Dundas et al forms 2 seals. Note that claim 16 requires a tool having two blades, not claim 15.

In regards to the restriction requirement between Group I and Group III, the process of claim 15 can be used to form a bottle having molecular seals on opposite sides of the seal portion (42) as shown in figure 6 of Dundas et al (-684).

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The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1-7 and 15-20 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

Specification

3. The disclosure is objected to because of the following informalities: On line 24 of page 1, "A sealing is" should be "A sealing tool is".

Appropriate correction is required.

Claim Objections

4. Claim 8 is objected to because of the following informalities:

Claim 8 does not end in a period.

On line 10 of claim 8, "to position compressing" should be "to a position compressing".

. Appropriate correction is required.

Allowable Subject Matter

5. Claims 8-14 are allowed over the prior art of record.

6. The following is a statement of reasons for the indication of allowable subject matter: None of the prior art of record teach or suggest a blow molding apparatus comprising: a pair of mold halves including surfaces that when closed define a cavity, first and second dome recesses, and a passageway connecting the first and second

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recesses, and a sealing tool movably mounted to one of the mold halves and being movable to extend into the passageway, the tool having a pair of spaced apart blades formed on a distal end thereof, in a retracted position of the tool the blades being substantially withdrawn from the passageway, in an extended position of the tool the blades being extended partway across the passageway to a position compressing and penetrating into a portion of a parison to form a seal with molecular sealing therein. The closest prior art Dundas et al (4,948,356) discloses a pair of sealing blades in opposite sides of the mold which compress the parison to form a triple seal, but the reference fails to disclose or suggest a single tool having two spaced blades. Bachner (3,423,495) discloses a sealing tool having a blade portion (34), but the reference does not disclose or suggest multiple blades on the sealing tool.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The remaining references disclose various blow molding apparatus having sealing or cutting members.

8. This application is in condition for allowance except for the following formal matters:

The minor informalities to claim 8 as listed in paragraph 3; and

The presence of non-elected claims 1-7 and 15-20.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Davis whose telephone number is 703-308-2625. The examiner can normally be reached on Monday-Thursday between the hours of 9:30 AM and 7:00 PM and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 703-308-3322. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Robert B. Davis
Primary Examiner
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8/30/01

August 30, 2001